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HUMAN RESOURCES MANAGEMENT: RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

Report submitted by the Secretary-General on behalf of and with the approval of the members of the Administrative Committee on Coordination

INTRODUCTION

1. At its forty-seventh session, the General Assembly adopted resolution 47/28 of 25 November 1992, in which it took note with grave concern of the report submitted by the Secretary-General on behalf of the members of the Administrative Committee on Coordination (ACC) on the above subject (A/C.5/47/14). In that resolution, the General Assembly strongly deplored the unprecedented and still increasing number of fatalities that had occurred among United Nations personnel, including those engaged in peace-keeping operations, and also strongly affirmed that disregard for the privileges and immunities of officials had always constituted one of the main obstacles to the implementation of the missions and programmes assigned to the organizations of the United Nations system by Member States. The Assembly reminded host countries of their responsibility for the safety of peace-keeping and all United Nations personnel on their territory. The Assembly also requested the Secretary-General to take all necessary measures to ensure the safety of United Nations personnel, as well as those engaged in peace-keeping and humanitarian operations, and to continue to submit, on behalf of ACC, reports concerning respect for the privileges and immunities of officials of the United Nations and specialized agencies and related organizations.

2. In the light of concern regarding the developments referred to in the Secretary-General's report, the General Assembly decided at its forty-seventh session that, despite its previous resolution providing that personnel questions should be considered on a biennial basis (resolution 46/220 of 20 December 1991), the Secretary-General should be requested to submit to the

General Assembly at its forty-eighth session updated information on the situation of United Nations staff members, with special regard to violations of privileges and immunities, taking into account its resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992 (see decision 47/457 C of 8 April 1993).

3. At its forty-eighth session, following consideration of the note submitted by the Secretary-General on behalf of and with the approval of the members of ACC (A/C.5/48/5), the General Assembly, in its decision 48/462 of 23 December 1993, took note of the note of the Secretary-General and of the statement made by the representative of the United Nations Security Coordinator on 8 November 1993. 1/

4. The present report, containing updated information about respect for the privileges and immunities of officials as well as their security and safety, is submitted in response to resolution 47/28 of the General Assembly. It is presented on behalf of and with the approval of the members of ACC and is based upon the information provided by United Nations programmes, funds, and offices of missions as well as the specialized agencies and related organizations. A list of the organs and organizations that were requested to provide information is contained in annex IV to the present report. The report covers the period from 1 July 1993 to 30 June 1994.

I. SECURITY AND SAFETY OF OFFICIALS

5. Developments in the last year have clearly demonstrated that international civil servants continue to be exposed to a degree of risk that would have been unacceptable in the past. In fulfilment of the responsibilities assigned to them by the organizations concerned, staff have been called upon to work in environments characterized by utter lawlessness and random violence. Staff members are regularly exposed to violence and intimidation to a degree which undermine efforts to guarantee even minimum security. Throughout the reporting period staff members have been attacked and at times killed, injured, kidnapped, abused and harassed. Details regarding some of these incidents may be found in information provided by various organizations which is included in annex III below.

6. Of particular concern is the fact that during the reporting period and through the preparation of this report, 18 staff members (both international and national) belonging to different organizations lost their lives. Two of these cases had previously been reported to the General Assembly (A/C.5/48/5). Details of the remaining 16 cases are outlined in annex II. It is expected that the final toll for 1994 will be higher once staff members in Rwanda have been accounted for. Of particular concern is that of the 42 staff members who have been shot to death since 1 January 1992, not a single case has been resolved and no one has been arrested or brought to justice in respect of these fatalities. In this connection, it is extremely important that any initiatives on the part of Member States, such as the elaboration of a convention dealing with the safety and security of United Nations associated personnel apply to all staff members serving with the organizations of the United Nations system.

7. Efforts have been made to improve staff security. Regrettably, the insufficient resources and equipment have meant that many staff operating in the field have assumed grave personal risks on a daily basis. In an effort to address many of the serious issues regarding security of United Nations staff, the United Nations Security Coordinator convened an ad hoc inter-agency meeting on security matters in New York from 16 to 19 May 1994 (ACC/1994/19). The meeting was devoted to the examination of security matters which are of concern to the organizations of the United Nations system, in particular their administrative aspects and, inter alia, considered the need for standardized communications systems at each duty station, the need for pre-assignment briefing as well as appropriate security training and the need to develop on a system-wide basis a strategy for dealing with critical incident stress management in order better to respond to the needs of staff members and dependants who had experienced traumatic events in the course of their service with the United Nations.

8. It must be stressed that the primary responsibility for the security and protection of staff members, their spouse and dependants and property and of the organizations' property rests with the host Government. This responsibility flows from every Government's normal and inherent function of maintaining order and protecting persons and property within its jurisdiction. In the case of international organizations and their officials and property, the Government is considered to have a special responsibility under the Charter of the United Nations or the Government's agreements with individual organizations. Under Article 105 of its Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. The other organizations in the United Nations family and their staff enjoy similar privileges and immunities under their respective constitutional instruments. Officials of the organizations are entitled under the same provisions to enjoy such privileges and immunities as are necessary for the independent exercise of their functions. Further, within the territory of any country which has acceded to the Conventions on the Privileges and Immunities of the United Nations 2/ and of the Specialized Agencies, 3/ staff members of the organizations "shall be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys". 4/ The Conventions further stipulate that the premises of the organizations are "inviolable" and that their property, wherever located and by whomsoever held, is immune from "any form of interference". 5/

II. ARREST AND DETENTION OF OFFICIALS

9. With the exception of the cases indicated in annex I, as of 30 June 1994 there were no pending cases of arrest and detention in which the privileges and immunities of staff members had been violated. Detailed information regarding the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as provided by UNRWA, is included in annex III.

III. TAXATION OF OFFICIALS

10. Detailed information about problems related to taxation of officials experienced by the International Telecommunication Union (ITU) and other Geneva-based organizations is provided in annex III to the present report.

IV. RESTRICTIONS ON OFFICIAL AND PRIVATE TRAVEL OF OFFICIALS OF THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

11. The Secretary-General is pleased to report that, during the reporting period, there has been a new positive development with respect to the issue of removal of restrictions imposed by the authorities of the United States of America as host country on private travel of staff members who are nationals of particular countries.

12. On 10 January 1994, the United States Mission informed the Secretariat by a note verbale that Romanian employees of the United Nations and their dependants would enjoy unrestricted travel within the United States.

13. In his reply to the aforementioned note, the Secretary-General welcomed this decision taken by the host country. However, in view of the fact that travel restrictions continue to be in force with respect to staff members of certain other nationalities, the Secretary-General reiterated his well-known position of principle concerning the restrictive and discriminatory treatment of United Nations staff solely on the basis of nationality.

14. Information concerning travel restrictions on UNRWA personnel is provided in annex III to the present report.

V. OBSERVATIONS

15. The Secretary-General firmly believes that the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies constitute a critical element in the protection of staff members and their dependants from arrest and detention. Therefore, the Secretary-General invites States that have not become a party to the Convention to give consideration to ratifying or acceding to the Conventions.

16. Another measure which would be extremely critical to the safety and security of staff would be the elaboration of a new Convention as is presently being discussed by the Sixth Committee and which should apply to all United Nations personnel, irrespective of the mandate under which they are operating.

17. Efforts continue to achieve the degree of integration and accountability necessary to ensure an effective approach to security. Many issues related to improving security management were discussed during the ad hoc inter-agency security meeting referred to in paragraph 7 above. Details are included in the report entitled "Comprehensive report regarding inter-agency coordination" which is being submitted to the General Assembly at its forty-ninth session at the

request of the Advisory Committee on Administrative and Budgetary Questions. In this connection it should be noted that it is unrealistic to expect that the required security measures which are essential for the proper discharge of the Organization's responsibility for the safety of its personnel can be met from existing resources. I trust that Member States will provide me with the means to do what is necessary in this regard.

Notes

1/ See Official Records of the General Assembly, Forty-eighth Session, Fifth Committee, 13th meeting, and corrigendum.

2/ Resolution 22 A (I).

3/ Resolution 179 (II).

4/ Resolution 22 A (I), article V, section 18 (f) and resolution 179 (II), article VI, section 19 (e).

5/ Resolution 22 A (I), article II, section 3 and resolution 179 (II), article III, section 5.

Annex I

CONSOLIDATED LIST a/ OF STAFF MEMBERS UNDER ARREST AND DETENTION OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS HAVE BEEN UNABLE TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

Name	Agency	Place and date of incident
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Mr. Izzedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mr. Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detailed by militias or unknown elements.
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Daulat Mir	FAO	Detained on 28 August 1984 and subsequently conscripted into military service in Afghanistan.
Mr. Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan.
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988.
Mr. Mohammed Omar	FAO	Detained and conscripted on 17 May 1989 into military service in Afghanistan.
Mr. Abdul Fattah	WFP	Abducted in Pakistan by unknown elements on 3 September 1989.

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Name	Agency	Place and date of incident
Mr. Ahmad Mohamed Ali	WFP	Detained in Somalia by the Somali National Security Service since 25 May 1990.
Mr. Abdalla Ismail Abu Shawareb	"	Detained in the Gaza Strip since 6 November 1990.
Mr. Ghassan Musaed El Arabid	"	Detained in the Gaza Strip since 11 August 1991.
Mr. Kassu Asgedon	"	Detained in Ethiopia since 4 September 1991.
Mr. Mohammad Rajab El-Sa'afin	UNRWA	Detained in the Gaza Strip since 20 July 1992.
Mr. A/Fattah Ismail Fayyad	"	Detained in the Gaza Strip since 22 September 1992.
Mr. Mohammed Najib Madi	"	Detained in the Gaza Strip since 15 October 1992.
Mr. Amin Ali el Khatib	"	Detained in the Gaza Strip since 22 November 1992.
Mr. Hasam Hassan Abu Jray	"	Detained in the Gaza Strip since 14 February 1993.
Mr. Hasan Mohammad Hammad	"	Detained in the West Bank since 15 February 1993.
Mr. Maher Salim El Toukhi	"	Detained in the Gaza Strip since 18 February 1993.
Mr. Suliman A/Hadi Abu Rous	"	Detained in the Gaza Strip since 14 March 1993.
Mr. Sami Abdalla Abu Hmaiseh	"	Detained in the Gaza Strip since 11 April 1993.
Mr. Yousef Dawoud Shahin	"	Detained in the Gaza Strip since 2 May 1993.
Mr. Ahmad Hasan Abu Houli	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Jaber Ali Wahdan	"	Detained in the Gaza Strip since 3 May 1993.

Name	Agency	Place and date of incident
Mr. Abdel Hakim A/Rabbu Abu Houli	UNRWA	Detained in the Gaza Strip since 6 May 1993.
Mr. Suliman Ibrahim Jouda	"	Detained in the Gaza Strip since 20 May 1993.
Mr. Mahmoud Arafat El Khawaja	"	Detained in the Gaza Strip since 14 June 1993.
Mr. Mahmoud Ghanem	"	Detained in the Gaza Strip since 25 June 1993.
Mr. Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.
Mr. Jamal Atiya Tayeh	UNRWA	Detained in the Gaza Strip since 28 June 1993.
Mr. Walid Yusuf El Zatma	"	Detained in the Gaza Strip since 9 August 1993.
Mr. Ahmad Said Ahmad Lubbad	"	Detained in the Gaza Strip since 19 August 1993.
Ms. Sara J'areh	"	Detained in the West Bank since 24 September 1993.
Mr. Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Mr. Mani Ali El-Kurd	"	Detained in the West Bank since 25 October 1993.
Mr. Walid Jaber	"	Detained in the Gaza Strip since 5 January 1994.
Mr. Ahmad Tawfiq Abu Hassanain	"	Detained in the Gaza Strip since 5 January 1994.
Mr. Mohammad Abbas Hassouna	"	Detained in the Gaza Strip since 10 January 1994.
Mr. Ahmad Abdel Rahman Sweilem	"	Detained in the West Bank since 11 January 1994.
Mr. Zuhair Ahmad El Qaisi	"	Detained in the Gaza Strip since 17 January 1994.
Mr. Kamal El Ghoul	"	Detained in the Gaza Strip since 17 February 1994.

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Name	Agency	Place and date of incident
Mr. Kaled Mahmound Zagout	UNRWA	Detained in the West Bank since 9 March 1994.
Mr. Ayoub A/Aziz Khadoura	"	Detained in the Gaza Strip since 24 March 1994.
Mr. Khader Mahmoud Abbas	"	Detained in the Gaza Strip since 9 April 1994.
Mr. Naser Yusuf Matar	"	Detained in the West Bank since 13 April 1994.
Mr. Bassam Nihad Jarrar	"	Detained in the West Bank since 18 April 1994.
Mr. Nabil El Sawalhi	"	Detained in the Gaza Strip since 19 April 1994.
Mr. Mustafa Rashid Nakhleh	"	Detained in the West Bank since 19 April 1994.
Mr. Ghazi Mohammad Haj Asad	"	Detained in the West Bank since 21 April 1994.

Notes

a/ The consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 30 June 1994. The list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past or on the cases where staff members have lost their lives in the performance of official duties.

Annex II

LIST OF STAFF MEMBERS WHO HAVE LOST THEIR LIVES SINCE 1 JULY 1993

	Name	Nationality	Agency	Place/ date of incident	Cause of death
1.	ZERAZIC, Boris	Bosnia	UNHCR	Vitez, Bosnia 15/8/93	Gunshot wounds
2.	REITZEL-NIELSEN, Michael	Denmark	UNCHS	Nairobi, Kenya 13/9/93	Gunshot wounds
3.	FARHAD, Fayyad	Palestine	UNRWA	Saida, Lebanon 21/7/93	Gunshot wounds
4.	WANDAYO, John	Uganda	UNICEF	Kitgum, Uganda 20/10/93	Gunshot wounds
5.	AL SAFTAWI, Assad	Palestine	UNRWA	Gaza, Gaza Strip 21/10/93	Gunshot wounds
6.	LINCOLN, Kai	United States of America	UNOSOM	Mogadishu, Somalia 13/11/93	Gunshot wounds
7.	SHABAYTA, Muin	Palestine	UNRWA	Saida, Lebanon 28/4/94	Gunshot wounds
8.	SANNEH, Alj Haji	Gambia	UNHCR	Afmadou, Somalia 18/4/94	Gunshot wounds
9.	NGENDA-KUMANA, Therence	Burundi	WFP	Bujumbura, Burundi 1/5/94	Gunshot wounds
10.	ABU IBTIHAN, Ahmad	Palestine	UNRWA	Gaza, Gaza Strip 28/4/94	Gunshot wounds

	Name	Nationality	Agency	Place/ date of incident	Cause of death
11.	BILE, Abdullah	Somalia	WFP	Mogadishu, Somalia 13/6/94	Gunshot wounds
12.	SISAY, Mohamed	Ethiopia	WFP	Gulu, Uganda 23/6/94	Gunshot wounds
13.	AREGAY, Kassahun	Ethiopia	WFP	Gulu, Uganda 23/6/94	Gunshot wounds
14.	MEKONNEN, Gabriel	Ethiopia	WFP	Gulu, Uganda 23/6/94	Gunshot wounds
15.	SINDIKU-BWABO, Damascene	Rwanda	ECA	Gisenji, Burundi 8/6/94	Gunshot wounds
16.	HERRERA LOPEZ, Jose	France/ Nicaragua	UNHCR	Kirundu, Burundi 13/8/94	Gunshot wounds
17.	MURENZI, Jules	Rwanda	WFP	Gikongoro, Rwanda 30/8/94	Gunshot wounds
18.	LABIB, Labib Ibrahim	Egypt	UNICEF	Qena, Egypt 17/9/94	Gunshot wounds

Annex III

INFORMATION SUBMITTED BY INDIVIDUAL ORGANIZATIONS AND UNITED NATIONS SUBSIDIARY ORGANS AND OFFICES OR JOINT SUBSIDIARY ORGANS FOR INCLUSION IN THE PRESENT REPORT

A. Economic Commission for Africa

Mr. Andualem Zeleke (Ethiopia) a locally recruited staff member of ECA, has been detained since 25 June 1993. The Ministry of Foreign Affairs of the transitional Government of Ethiopia advised that his case will be taken up together with others who allegedly have been involved in the Red Terror of the previous regime.

Mr. Nadew Kassa, dependent son of Mr. Tsegaye Kassa (Ethiopia), a locally recruited staff member of ECA, has been detained since early February 1994. No reply as to the reasons for his arrest has been provided by the Government authorities.

Mr. Damascene Sindikubwabo (Rwanda), a locally recruited staff member of the ECA regional office in Gisenyi, was killed on 8 June 1994 on the office premises. According to reports the ECA regional office in Gisenyi was occupied, apparently by Government forces, and the premises sustained some damage.

At the beginning of September 1993 armed Government troops intruded upon the ECA compound on two occasions. The incidents were reported to the authorities.

The rented apartment in Addis Ababa of an ECA staff member on mission in New York was illegally occupied for more than one year. Eventually the Government authorities investigated the case and the staff member was able to recover some of her belongings.

B. United Nations Relief and Works Agency for Palestine Refugees in the Near East

1. During the period under review, there was a significant reduction, in comparison with the preceding year, in the number of staff members in the West Bank and Gaza Strip who were arrested, held in detention without trial and subsequently released; however, eight staff members in the West Bank remained in detention at the end of the reporting period, in comparison with only three at the end of the preceding year, though in the Gaza Strip this number dropped from 23 to 10. The number of staff arrested and detained in the Syrian Arab Republic was three, in Jordan one and in Lebanon one. The total number of staff so detained during the reporting period was 51, of whom 28 were arrested and released without charge or trial, and 5 were charged, tried and sentenced. The remaining 18, all staff members in the West Bank and Gaza Strip as described above, were still in detention on 30 June 1994.

2. Of the 16 staff members reported in last year's report as having been deported to Lebanon, all had returned with the permission of the Israeli authorities by December 1993; four were thereupon placed in detention, although by the end of the reporting period all but one of these had been released. Subsequent to the Agreement on the Gaza Strip and the Jericho area, signed at Cairo on 4 May 1994, a number of Palestinians, including four staff members, were transferred from prisons in the Gaza Strip to detention centres and prisons in Israel.

3. Although the Agency made frequent approaches to the relevant authorities during the reporting period, UNRWA was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. UNRWA had access to 3 staff members from the West Bank and 20 from the Gaza Strip detained in prisons and detention centres in the West Bank, the Gaza Strip and Israel. The treatment of staff members in detention continued to be a matter of considerable concern to the Agency, with staff members both in detention and upon their release complaining of having been subjected to various forms of physical and psychological mistreatment. Despite continued approaches by the Agency to the relevant Governments, the Agency was unable to visit staff detained in Jordan, Lebanon and the Syrian Arab Republic.

4. Difficulties continued in relation to the movement of staff members into and out of the West Bank and Gaza Strip. As reported in previous years, there were lengthy delays by the Israeli authorities in the clearance of official travel for locally recruited staff. The particular restrictions on movement from the West Bank and Gaza Strip to Israel and East Jerusalem, as described in the 1993 report (A/C.5/48/5), continued during the reporting period, with the Israeli authorities insisting on the establishment of a system of exit permits, which delayed and in some cases prevented staff members from entering East Jerusalem and Israel from the West Bank and the Gaza Strip; tighter restrictions were imposed with the closure of the West Bank and the Gaza Strip following the massacre at the al-Ibrahimi mosque in the town of Hebron on 25 February 1994, which aggravated the situation in this particular respect. Difficulties were experienced by the Agency in the Gaza Strip in securing exit permits for its drivers, though by the end of the reporting period this had ceased to be a particular problem. In relation to movement within the West Bank and the Gaza Strip, the imposition of curfews constituted a further impediment to the movement of staff, with the Israeli authorities continuing to insist that locally recruited staff members could operate only if in possession of curfew permits; in the Gaza Strip, procedures to obtain and renew curfew permits were subjected to lengthy delays by the Israeli authorities, though following the entry into the effect of the provisions of the Cairo Agreement a/ towards the end of the reporting period, curfew passes needed no longer to be obtained from the Israeli authorities. The arbitrary declaration of closed military areas by the Israeli authorities continued to constitute difficulties to the official movement of staff members, both international and locally recruited.

5. For the greater part of the year under review, UNRWA staff in the West Bank and the Gaza Strip performed their duties in the context of ongoing violence and the Agency continued to be concerned about the safety of staff, both locally recruited and international. Staff members faced various forms of mistreatment by members of the Israeli security forces, including injury by live and other

forms of ammunition, beatings and threatening and abusive behaviour. At times they also faced threats and attacks by Israeli settlers in the occupied territory and by certain elements in the Palestinian population. Such incidents of mistreatment were protested by the Agency to the appropriate authorities, and appropriate follow-up action was undertaken by the Agency.

6. During the reporting period two staff members were killed in Lebanon, both by persons whose identity remained unknown; on 21 July 1993 an UNRWA teacher was shot dead in the presence of his family near Saida and on 15 November 1993 an UNRWA head teacher was shot dead as he was leaving his school near Saida. In addition, on 21 October 1993 an UNRWA teacher was shot dead in the town of Gaza by persons unknown.

7. On 28 March 1994 a staff member was shot dead in the Gaza Strip by the Israeli security forces in the context of a confrontation with Palestinian armed elements.

C. The Office of the United Nations High Commissioner for Refugees

UNHCR has experienced the following incidents during the period 1 July 1993 through 30 June 1994.

1. Deaths

Burundi

13/8/94. A UNHCR international staff member was shot dead in Kirundo, northern Burundi. It is believed that he was caught in gunfire aimed at a local official.

Former Yugoslavia

2/2/93. One UNHCR local staff member was killed by shell fire near Mostar during attack on a relief convoy.

14/8/93. A local UNHCR staff member was shot dead in Vitez by sniper firing a high tensile bullet, which pierced the armoured vehicle in which the staff member was driving.

Somalia

18/4/94. A UNHCR international staff member was fatally shot through the head when an unknown gunman opened fire on the UNHCR aircraft on which he was a passenger while it was taxiing at Afmadu airport.

2. Injuries

Former Yugoslavia

17/11/93. A UNHCR local staff member was shot in the shoulder by an unknown assailant while travelling in a UNHCR vehicle in Kakanj in Bosnia and Herzegovina.

Liberia

23/9/93. Vahun - a refugee camp and a UNHCR camp were attacked/bombed reportedly by two aircraft under the command of the Economic Commission of African States Military Observer Group (ECOMOG).

3. Detention/Arrests

Former Yugoslavia

Banja Luka

15/12/93. Four UNHCR staff were arrested when they went to investigate two explosions at local Mosque; after questioning, they were released.

Dobron

26/7/94. An international and a local staff member were detained by the Bosnian Serbs at Dobron and taken to Visegrad. The Serbs wanted to use the UNHCR staff to bargain for the release of a Serbian family held in Gorazde.

Kasindolska

30/5/94. A UNHCR local staff member, United Nations staff and two journalists were detained at the check-point Kasindolska by the Serb police and taken to Ilidza to be interrogated by the police.

Kiseljak

3/9/93. The newly arrived head of UNHCR office together with another international staff and two local staff were stopped by armed soldiers just outside Kiseljak. They were ordered to leave their vehicle and made to lie down on the side of the road. They were then blindfolded and ankles and wrists bound behind their backs. The hijackers left when a British Patrol happened to pass by.

17/2/94. A UNHCR local staff member was detained in Kiseljak by police.

4. Convoy/Vehicle/Home/Office serious assault and/or robbery against staff members

Former Yugoslavia

25/11/93. Kiseljak - a local staff member was assaulted and beaten and the vehicle stolen.

Liberia

7/9/93. Monrovia - a UNHCR convoy was held at a check-point by United Liberation Movement of Liberia for Democracy (ULIMO) troops who insisted on searching vehicles. The matter was eventually resolved after some hours by intervention of Government authorities.

Rwanda

12/2/94. Kigali - two UNHCR staff were stopped at improvised (boulders, rocks, etc.) check-point by 10 to 12 heavily armed men. Robbed of all valuables, radio made unusable by cutting wire. Vehicle was eventually returned.

Somalia

Hargeisa

7/9/93. A UNHCR staff member was ambushed by armed men and robbed.

9/10/93. Two UNHCR international staff members and local staff were stopped while travelling between the airport and the town and were subjected to an armed attack by unidentified assailants.

5. Hostage-taking

Somalia

Hargeisa

2/12/93. An international staff member was taken hostage by local bandits who demanded payment for his release. He was eventually released following intervention of local authorities.

6. Hijacking

Cambodia

7/12/93. Vehicle hijacked while four staff members were travelling in the Siem Reap district. Staff assaulted and robbed.

Ethiopia

29/3/94. UNHCR vehicle hijacked while travelling. Eventually recovered by authorities, but radio stolen.

Former Yugoslavia

Prozor

4/11/93. Vehicle hijacked during travel - unknown assailants.

Mozambique

4/7/93. Staff member wounded during hijacking incident in small chartered aircraft flying from Maputo to Swaziland.

D. United Nations Environment Programme

In the review period there were no arrests or detention of officials of the United Nations or specialized agencies by the Government of Kenya. However, many United Nations officials were the victims of a rising tide of criminal violence in the country. The most serious of these was the murder of a senior official in the course of a vehicle hijacking (12 September 1993), a bandit attack on a UNICEF compound in north-east Kenya which resulted in the death of a pilot attached to UNICEF, the wounding of a UNICEF official (3 September 1993) and finally the serious wounding of an official of the United Nations Centre for Human Settlements, again in the course of an armed hijacking in Nairobi (8 May 1994). In addition to these very serious crimes there have been numerous other crimes directed at United Nations staff, including 15 vehicle hijackings.

E. International Telecommunication Union (ITU)

Fiscal status of ITU officials living in France

Since September 1993, a considerable number of ITU officials (of all nationalities) living in France have, like many of their colleagues working in other specialized agencies in Geneva, received requests from their local tax offices to declare the salaries and emoluments paid by the Union for the years 1990, 1991 and 1992; and even, in some cases, claims for tax arrears, the aim being to make them subject to French income tax.

To justify this sudden change of attitude, which is a departure from the practice of tax exemption consistently followed by France for nearly 40 years, the French tax authorities cited the fact that France had not ratified the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.

Since exemption of ITU and all its staff is one of the essential conditions for the Organization's status, its proper operation and its necessary independence, which implies the independence of its staff, a joint letter was sent on 24 September 1993 by all the executive heads of organizations in the

same situation as ITU to Mr. Alain Juppé, Minister for Foreign Affairs of France in an attempt to put an immediate stop to this sudden development. In addition, the Secretary-General of the United Nations, in his capacity as Chairman of the Administrative Committee on Coordination (ACC), himself wrote to the Minister in October 1993 indicating the importance he attached to the matter and expressing his concern.

Following further approaches to the French Government by the Directors-General and Secretaries-General of the organizations concerned, the Government finally decided, in December 1993, to suspend for six months (until June 1994) the action taken by the tax authorities with respect to the officials and to initiate further consultations very quickly with the heads of the specialized agencies in Geneva.

Although this suspension was applied with some delay and with some inconsistency between different tax offices, the organizations, particularly ITU, welcomed it with satisfaction in the hope that it represented a necessary preliminary to a final settlement of the problem.

As far as the substance of the matter is concerned, the Secretary-General of ITU and his counterparts also welcomed the intention expressed by Mr. Juppé to take advantage of the delay in order to hold thorough consultations with the organizations with a view to arriving at a lasting solution and immediately informed him that they were very ready to join him in this undertaking. As at 1 July 1994, however, the French Government has still not followed up its intention, with the result that the proposed consultations have not started.

This prolonged silence finally led the Director-General of the International Labour Office, on behalf of all the executive heads of the organizations concerned, on 6 April 1994, to request the French Government to extend by six months, until 15 December 1994, the suspension it had granted. The Secretary-General of the Union, for his part, placed the matter before ACC, which met at ITU headquarters on 11 and 12 April 1994. At that meeting Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations, undertook, on behalf of ACC, to go into the matter with the French authorities in order to find a lasting solution to this awkward problem which would be acceptable to all parties.

The Secretary-General of the Union also informed the Council of ITU of the matter at its last session (2-17 May 1994) in a document entitled "Fiscal status of ITU officials living in France".

In reply to this document, the French Councillor informed the members of the Council that the Government had extended by three months, until 20 September 1994, the suspension of all action taken to claim tax arrears so that it could find a satisfactory response to the problem, in consultation with all the organizations concerned. After taking note of this encouraging statement, the Council of ITU decided:

(a) Firstly, to urge the French Government to extend the suspension decision for six months, at least until 15 December 1994, and to reconsider its position and to initiate, as soon as possible, thorough consultations with the

executive heads of the organizations concerned or their representatives, in order to find a lasting solution to this difficult problem which is acceptable to all parties and which in its effects is consistent with the constant practice prevailing in France until 1993;

(b) Secondly, to authorize the Secretary-General to pursue his efforts, in conjunction with the executive heads of the other organizations concerned, with a view to arriving at such a solution as quickly as possible and to submit a report to the Plenipotentiary Conference in Kyoto, Japan, on developments since the 1994 session of the Council.

On 13 May 1994, in a letter addressed to the Director-General of the International Labour Office (ILO), the Permanent Mission of France in Geneva confirmed the information given to ITU by the French Councillor on 11 May.

While welcoming the additional suspension period, the Director-General of ILO, in his reply dated 24 May on behalf of all the executive heads of the organizations concerned, emphasized the need for the thorough consultations with the organizations promised by the Minister for Foreign Affairs in his letter to the Secretary-General of ITU dated 21 December 1993 to begin soon enough to allow ample time to cover both the kind of solution to be adopted and the means of putting it into practice. The Director-General of ILO informed the Secretary-General of the United Nations about this exchange of letters and asked him to support the position of the organizations concerned, just as he had agreed to do, at the request of the Secretary-General of ITU, at the most recent meeting of ACC, held at ITU headquarters in April.

For his part, the Secretary-General of ITU sent a letter on 9 June to the Permanent Representative of France to the United Nations Office at Geneva and the Switzerland-based specialized agencies, in which he asked him, in particular, to approach the competent authorities with the request that the suspension period be extended until at least 15 December 1994, in accordance with the decision taken by the ITU Council, if a solution acceptable to all the interested parties could not be found before the beginning of the forthcoming Plenipotentiary Conference of the Union, to be held in Kyoto from 19 September to 14 October 1994. He also drew his attention to a new development, namely the signing by France, on 15 April 1994, of the Agreement establishing the World Trade Organization (WTO), article VIII of which provides that the privileges and immunities stipulated in the Convention on the Privileges and Immunities of the Specialized Agencies, b/ approved by the General Assembly of the United Nations on 21 November 1947, apply, by analogy, to WTO officials. The Secretary-General of ITU hopes that the signing of this Agreement is an indication that France may soon ratify the 1947 Convention, thus putting an end to the distressing problem facing all officials of Geneva-based specialized agencies living in France.

As matters stand, the Secretary-General of ITU remains convinced, however, whatever solution is finally agreed to by the various parties concerned, that it will be in conformity with the obligations by which France is bound as a member of the various organizations concerned and with the practice it has consistently followed for over 30 years.

F. United Nations Industrial Development Organization

During the night of 14 September 1993 while driving a car from Vinkovci to Zagreb to meet with another expert, a UNIDO staff member was detained at a Serbian check-point in the region of Okucani. Although he was in possession of a laissez-passer, the staff member was led away and questioned for three hours. He was obliged to stay the night in his car, under guard. The following day he was questioned further and kept under watch by guards. Efforts by United Nations Civilian Police to secure his release were initially unsuccessful, and the staff member was obliged to spend a further night in his car under guard.

On 16 September 1993 the United Nations Civilian Police returned to the Serbian check-point with appropriate documentation and the staff member was released accordingly.

A UNIDO Associate Expert, Mr. Michael Baran, along with his wife, disappeared while in the immediate vicinity of the Preah Vihear temple on the border between Thailand and Cambodia on 23 May 1994. They have not been seen since. Despite extensive efforts to locate Mr. and Mrs. Baran it has not been possible to determine their whereabouts.

G. United Nations/FAO/World Food Programme

Afghanistan

(a) August 1993

A WFP storekeeper under a local Special Service Agreement contract was arrested by customs officers in Termez allegedly for smuggling 26,700,000 roubles which belonged to WFP. No visits to Mr. Arif Kobi were allowed and WFP remains without news about the staff member.

(b) January 1994

An outbreak of fighting in Kabul trapped four United Nations staff members, including a WFP officer in a bunker. They were later evacuated by convoy during a cease-fire negotiated by the United Nations. WFP offices were looted and ransacked.

(c) March 1994

(i) Owing to prevailing security situation all WFP staff in Mazar had to be evacuated to Termez.

(ii) The WFP building in Kabul again sustained rocket damage which destroyed the western side of the building.

Angola

During the period under review WFP food aid convoys, WFP bases and aircraft have come repeatedly under attack.

(a) 26 August 1993: Catenque

A WFP convoy of 75 trucks transporting 1,960 tons of food aid was attacked by unknown elements. As a result, three drivers died and one was injured. These drivers were employees of a commercial transport company.

(b) 26 December 1993: Luanda

WFP warehouses in Luanda/Mulamba were attacked by a group of individuals wearing army uniforms. This resulted in a half-hour pitched battle with WFP guards who repulsed the attack without loss of life or injury.

(c) 7 and 14 September, 8 October and 24 November 1993: Luanda

Hold-up at gunpoint and theft of WFP vehicles.

(d) 23 January 1994

Heavy shelling between the National Union for the Total Independence of Angola (UNITA) and the Peoples Movement for the Liberation of Angola (MPLA) in Malange around the WFP compound.

(e) 27 January 1994

Heavy shelling of Luena.

(f) 10 February 1994: Kuite/Huambo

Heavy fighting in Kuite and repeated bombing of Huambo necessitated the evacuation of United Nations Agency personnel from those cities. This was done successfully, but caused serious injury to two WFP labourers.

(g) 16 February 1994: Malange

A WFP chartered aircraft was hit by mortar shells causing structural damage to the aeroplane.

(h) 11 March 1994: Menogue

Heavy shelling between armed adversaries requiring evacuation of all international staff including WFP.

(i) 13 March 1994: Muchala/Dondo incident (attack on food convoy)

Besides the loss of trucks and food, a total of six people died, two were missing and six injured (all staff of subcontractors and army personnel). In addition an undetermined number of civilians were killed and wounded as well.

(j) 16 March 1994: Malange

Artillery fire on the town and close to the WFP base with only material damage.

(k) 15 April 1994

The WFP deputy base manager in Malange was arrested and jailed by local police on an accusation of being an accomplice in drug transport. Following intervention of the WFP Country Director, the staff member was released from jail and placed under house arrest pending investigation.

(l) 20 April 1994: Lobito

One of the WFP airport stevedores was shot on his way back home by bandits. He was treated in Lobito hospital and reportedly his life is no longer in danger.

(m) 21 April 1994: Malange

UNITA soldiers attacked Bairro Kizanga in an effort to haul off WFP food, but the attack was repelled by armed civilians.

(n) 20 April 1994: Luanda

A WFP car with driver and guard was hijacked by two armed men in Luanda city. The WFP guard fired at the robbers, killing one and injuring the other.

(o) 15 June 1994

Five United Nations staff members (including 2 WFP) and 58 non-governmental organization (NGO) staff (including 30 of the International Committee of the Red Cross (ICRC)) were held hostage by UNITA forces in Huambo and not authorized to leave. Negotiations resulted in their release on 18 June 1994.

Burundi

On 1 May 1994, a WFP national staff member was killed in an accident linked to ethnic strife.

Cambodia

On 11 August 1993 the house guard of a WFP staff member was stabbed to death by a burglar. Police investigations did not result in an arrest/detention.

Kenya

On 27 March 1994 a WFP staff member and his wife were ambushed on the main highway between Nakuru and Naivasha by four young men with knives, pangas and crow bars. Both were severely beaten, resulting in broken arms, deep cuts,

bruises and severe shock. They were saved by villagers who ran to their rescue. Police are investigating the incident.

Mozambique

(a) Attack on a United Nations Volunteer in Maputo on 14 March 1994

A United Nations Volunteer was shot and seriously wounded by armed bandits who escaped with the staff member's vehicle. The staff member had to be evacuated urgently to South Africa for medical intervention. He is fortunately recovering well from his ordeal.

(b) Incident at Macala on 5 April 1994

On 5 April 1994 a crowd gathered around the WFP warehouses in Macala, storming the walls and looting the food commodities. Calm returned after the armed intervention of the police force.

Rwanda

Following civil unrest during April 1994 two WFP national staff were reportedly killed. More national staff are still unaccounted for.

Somalia

In addition to the permanent insecurity prevailing in Somalia during the period under review, with a list of innumerable threats and attacks on WFP staff, the following incidents stood out:

(a) 1 January 1994: Baidoa

One guard was killed and the driver seriously injured (paralysed) when bandits took the WFP vehicle in front of the WFP office in Baidoa.

(b) 10 January 1994: Mogadishu

A WFP staff member was kidnapped by an armed group in front of the WFP office in Mogadishu. After intensive negotiations with the kidnappers he was released unharmed a few days later.

(c) 24 February 1994: Mogadishu

Violent demonstrators laid siege to the WFP compound on 21, 22 and 26 February 1994, claiming food distributions. United Nations troops had to be deployed around the compound to protect WFP staff.

(d) 13 June 1994: Mogadishu

A WFP Senior Secretary was killed in an ambush on his way back home from the office by unidentified gunmen.

Sudan

(a) 4 December 1993: incident in the Solat Corridor (southern Sudan)

In the course of delivering food supplied from a river barge in Malual (southern Sudan), an Operation Lifeline Sudan (OLS) team of WFP was threatened with firearms from an agitated crowd, but happily reason prevailed in the end.

(b) 24 February 1994: incident in Attar (south Sudan)

During a United Nations relief operation by barge on the White Nile, a United Nations OLS team, including two WFP staff members, was held captive by a Sudan People's Army force. A WFP monitor was released unharmed on 27 February 1994. A local WFP staff member was released on 2 March 1994, together with three UNICEF national staff members.

(c) 8 June 1994: barge crew held hostage in southern Sudan

After radio contact was lost with the barge crew on their way to Juba in southern Sudan, a light aircraft was sent for a fly-over. The pilot reported that the food on the barge was looted by a crowd and the crew kept captive. A military platoon was dispatched to the place to restore order and release the captives. The staff were subsequently released unharmed.

Uganda

On 23 June 1994 an armed attack was reported on a truck convoy in northern Uganda (20 km. north of Gulu). Reports indicated that two WFP drivers were killed and one seriously wounded. Five trucks were burned.

Yemen

On 2 February 1994 a WFP staff member was kidnapped by unknown persons together with two UNDP staff members while travelling by car from Sana'a to Taiz. She was released two days later, unharmed.

Notes

a/ Agreement on the Gaza Strip and the Jerico area, done at Cairo, 4 May 1994, International Legal Materials, vol. XXXIII, No. 3, May 1994, pp. 622-638.

b/ Resolution 179 (II).

Annex IV

LIST OF UNITED NATIONS PROGRAMMES, FUNDS, OFFICES AND MISSIONS, SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS THAT WERE REQUESTED TO PROVIDE INFORMATION FOR THE PRESENT REPORT

ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agriculture Organization of the United Nations
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
ITU	International Telecommunication Union
UNCTAD	United Nations Conference on Trade and Development
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNIFIL	United Nations Interim Force in Lebanon
UNITAR	United Nations Institute for Training and Research
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNTSO	United Nations Truce Supervision Organization
UNU	United Nations University
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
	World Bank

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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

UNITED NATIONS COMMON SYSTEM

UNITED NATIONS PENSION SYSTEM

Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission (A/49/30)

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. INTRODUCTION

1. The twentieth annual report of the International Civil Service Commission (ICSC) 1/ contains a number of decisions and recommendations that have financial implications for the biennium 1994-1995, related to the following issues (the reference paragraphs in the ICSC report are indicated in parentheses):

(a) Remuneration of the Professional and higher categories of staff: base/floor salary scale (para. 181);

(b) Review of dependency allowances (paras. 191 and 192);

(c) Review of the level of the education grant (para. 273);

(d) Hazard pay (paras. 288-291);

(e) Appointments of limited duration (paras. 366 and 367).

2. There are no financial implications for either the regular budget or extrabudgetary sources of funding of the organizations members of the United Nations Joint Staff Pension Fund (UNJSPF) in respect of issues addressed in the

annual report of the United Nations Joint Staff Pension Board (UNJSPB) to the General Assembly. 2/

II. REMUNERATION OF THE PROFESSIONAL AND HIGHER CATEGORIES OF STAFF: BASE/FLOOR SALARY SCALE

3. In section I.H of its resolution 44/198 of 21 December 1989, the General Assembly approved the recommendation of ICSC to establish a floor net salary level for staff in the Professional and higher categories, by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service. The base/floor scale was part of an integrated package in which negative classes of post adjustment were eliminated; it is used also to calculate payments under the mobility and hardship scheme, as well as separation payments. 3/ The package of measures went into effect as of 1 July 1990.

4. On the occasion of the approval of the establishment of the floor net salary scale, by section I.E of the same resolution, the General Assembly approved the introduction of a mobility and hardship scheme and an assignment grant.

5. The Commission reviewed the mobility and hardship scheme at its thirty-sixth session. 4/ It decided to report to the General Assembly, inter alia, that pending further review in 1995, the existing parameters of the scheme should be maintained, including the linkage between the mobility and hardship allowance and the base/floor salary.

6. Section I.B of resolution 47/216 of 23 December 1992, the General Assembly approved the revised scale of gross and net salaries. In section V of the same resolution, the Assembly concurred that the existing parameters of the mobility and hardship scheme be maintained.

7. As was the case in 1990, 1991, 1992 and 1993, as a result of salary increases in the comparator civil service, ICSC has recommended to the General Assembly that the current base/floor salary scale should be increased through the consolidation of classes of post adjustment. The increase would comprise 4.1 per cent and would be effective 1 March 1995. The financial implications of the recommendation for the united Nations common system as a whole were estimated by ICSC at $2,847,000 for 1995. The costs to the United Nations regular budget are estimated to be $453,000 in 1995.

8. As a consequence, there will also be an estimated increase of $4,615,100 for 1995 under section 28, Staff assessment, to be offset by an increase of $4,639,900 under income section 1.

III. REVIEW OF DEPENDENCY ALLOWANCES

9. ICSC reviews the level of dependency allowances every two years in order to take into account changes in tax abatements and social security provisions in the countries of the seven headquarters duty stations. In its 1994 review, the

Commission examined the changes in tax and social legislation for these seven countries for the period 1991-1993, under the methodology established for the biennial reviews.

10. The Commission decided to recommend to the General Assembly a 10.26 per cent increase in the level of children's allowances (including those for disabled children) and of secondary dependant's allowances, with effect from 1 January 1995.

11. ICSC estimates that the common system financial implications of the recommended increase is $1.8 million a year. The financial implications for the regular budget of the United Nations are estimated at $368,000 for 1995.

IV. REVIEW OF THE LEVEL OF THE EDUCATION GRANT

12. In section IV of its resolution 47/216 of 23 December 1992, the General Assembly, endorsed a revised methodology for the determination of the education grant. 5/ Using the methodology approved by the General Assembly, the Commission decided, at its fortieth session, to recommend to the General Assembly that:

(a) In areas where education-related expenses were incurred in Swiss franc, Italian lire, deutsche mark, Spanish pesetas, United States dollars in the United States of America, pound Sterling and Swedish krona, the maximum grant and the ceiling for boarding costs should be set as shown below:

Currency	Maximum admissible level	Maximum education grant	Ceiling for boarding in local currency
Swiss franc	20 097	15 070	4 466
Italian lira	19 800 000	14 850 000	4 400 000
Deutsche mark	29 035	21 775	6 454
Spanish pesetas	1 572 710	1 179 530	349 556
Pound sterling	11 250	8 438	2 500
Swedish krona	83 250	62 438	18 500
United States dollar (in United States of America)	16 900	12 675	3 770

(b) The current level for the United States dollar maximum admissible level and ceiling on boarding costs (for expenditures outside the USA) should be applied for the 14 countries in which the CFA franc had until now been applied;

(c) The maximum admissible expenses, the maximum grant and the ceiling on boarding costs should remain unchanged at current levels for the following currency areas: Austrian schilling, Belgian franc, Danish krone, Finnish markka, French franc, Irish pound, Japanese yen, Netherlands guilder, Norwegian krone and United States dollar expenditures outside the United States;

(d) The amount of the special education grant for each disabled child should continue to be equal to 100 per cent of the revised amounts of the maximum admissible expenses for the regular education grant;

(e) These measures would be applicable as from the school year in progress on 1 January 1995.

13. ICSC estimates that the system-wide financial implications of the recommended increases were approximately $1.8 million a year in respect of the increase in the maximum reimbursable level and $350,000 a year in respect of the increase in boarding costs. The financial implications for the regular budget of the United Nations were estimated at $467,000 for 1995, broken down as follows:

(a) An amount of $378,000 related to revised maximum admissible expenses;

(b) An amount of $89,000 related to boarding costs.

V. HAZARD PAY

14. In 1984, the Commission agreed that exceptional measures, hazard pay, would be introduced for staff obliged to serve at duty stations where very hazardous conditions such as war or active hostilities prevailed, and where evacuation of families and non-essential staff had taken place. 6/ In 1991, the Commission reaffirmed the principle of hazard pay, as well as the criteria set out in 1984.

15. In 1994, the Commission reaffirmed its earlier decisions regarding hazard pay, including that authority for the approval of those measures continue to be delegated to its Chairman. It decided to restate the arrangements for granting of hazard pay as follows:

(a) Form of hazard pay: additional monthly compensation for staff required to work under hazardous conditions;

(b) Where applicable: in duty stations where very hazardous conditions, such as war or active hostilities prevailed. Although the normal precondition would be the evacuation of families and non-essential staff, there might be exceptional circumstances (i.e., newly established duty stations in conflict areas) where evacuation would not arise as a precondition;

(c) Eligibility:

(i) Internationally recruited staff required by their organizations to serve at the duty station in question;

(ii) Locally recruited staff who were required to report to work and who did so;

(d) Duration. Applicable for up to three months at a time, subject to ongoing review in the light of prevailing conditions;

(e) Amounts:

(i) For internationally recruited staff: 20 per cent of the net base salary of a P-4, step VI at the D rate;

(ii) For locally recruited staff: 20 per cent of the midpoint of the applicable local salary scale; in cases where staff might receive less under the new arrangements, transitional measures would consist of a continuing payment at the existing rate until there ceased to be a difference between the old and new amounts.

16. The Commission estimated the financial implications of the decision to increase the level of hazard pay for the United Nations common system as a whole at $2.5 million. The financial implications for the regular budget of the United Nations were estimated at $194,000 for 1995.

VI. APPOINTMENTS OF LIMITED DURATION

17. The issue of United Nations appointments of limited duration was before the Commission as a result of a request of the Fifth Committee in June 1994. The Committee had raised a number of questions about those provisions and had requested the views of ICSC thereon. The Commission decided to advise the Secretary-General that the United Nations might proceed on a provisional basis with the new arrangements on the understanding that its secretariat would be holding consultations in the coming months between the parties concerned on the range of outstanding issues identified, such as the scope, criteria, replacement mechanisms, job classification aspects, etc., of the arrangements for appointments of limited duration. It will be recalled that a conference room paper presented to the Fifth Committee on 26 April 1994 had indicated the magnitude of the financial savings which would accrue to the application of the new series of staff rules. While it is difficult to quantify exactly the actual savings involved, the average saving for mission recruits in the Professional and higher categories would be in the area of $10,000 per person, compared with staff recruited under the 100 series.

VII. SUMMARY

18. The additional costs for the regular budget resulting from the decisions and recommendations of ICSC are summarized below:

Summary

(In United States dollars)

	1995
Remuneration of the Professional and higher categories of staff: base/floor salary scale	453 000
Review of dependency allowances	368 000
Review of the level of the education grant	467 000
Hazard pay	194 000
Appointments of limited duration	a/
	1 482 000

a/ No estimate presented.

19. Following past practice, it is intended to deal with the impact of the decisions and recommendations of ICSC as indicated in paragraph 18 above in the first programme budget performance report for the biennium 1994-1995. Should the Assembly adopt the recommendations of ICSC there would be an increase of $6,097,100 under the sections of expenditure. Of this amount, $4,615,100 would relate to section 28, Staff assessment. There would be a corresponding increase in the amount of $4,639,900 under Income section 1, income from staff assessment. The net increase would, therefore, be $1,457,200.

Notes

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 30 (A/49/30).

2/ Ibid., Supplement No. 9 (A/49/9).

3/ Ibid., Forty-fourth Session, Supplement No. 30 (A/44/30), vol. II, paras. 118, 119, 316 and 453 (g).

4/ Ibid., Forty-seventh Session, Supplement No. 30 (A/47/30), paras. 253-283.

5/ Ibid., Supplement No. 30 (A/47/30).

6/ Ibid., Thirty-ninth Session, Supplement No. 30 (A/39/30), para. 203.

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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Conditions of service and compensation for officials other than Secretariat officials

Pension scheme for the members of the International Court of Justice

Report of the Secretary-General

I. INTRODUCTION

1. The General Assembly, in paragraph 1 of resolution 48/252 B of 26 May 1994, invited the Secretary-General to undertake a study of the pension scheme for the members of the International Court of Justice (ICJ) (15 members) and to report thereon to the Assembly at its forty-ninth session. In paragraph 2 of the same resolution, the Assembly requested the Secretary-General to redraft the Pension Scheme Regulations for members of the Court reflecting the decisions taken by the General Assembly in its resolution 45/250 B of 21 December 1994, so as to reflect gender neutrality.

2. The present report is submitted in accordance with the above requests. In order to facilitate consideration of the issue, the report has been divided into the following sections: background; review of the pension benefit; recommendations; financial implications; and next comprehensive review.

II. BACKGROUND

3. Members of the International Court of Justice are entitled to retirement pensions in accordance with Article 32, paragraph 7, of the Statute of the Court, the specific conditions of which are governed by regulations adopted by the General Assembly. From 11 December 1963 until 1 January 1991, pensions constituted half the annual salary of a Judge who completed a full nine-year

term, with a proportional reduction for a Judge who did not complete a full term. A Judge who was re-elected received one six-hundredth of his annual salary for each further month of service, up to a maximum pension of two thirds of annual salary.

4. With the adoption of resolution 45/250, the pension entitlement was changed to a fixed amount. As from 1 January 1991, a member of the Court who has ceased to hold office, has reached the age of 60 and has served a full term of nine years is entitled to receive an annual pension benefit of $50,000, with a proportional reduction for a Judge who has not completed a full term. For a member of the Court who is re-elected, the pension entitlement is increased by an additional $250 per month for each further month of service, up to a maximum pension of $75,000 a year.

5. The text of the current Pension Scheme Regulations for members of the International Court of Justice appears in annex I to the present report. In response to the General Assembly's request, it has been redrafted so as to reflect gender neutrality.

III. REVIEW OF THE PENSION BENEFIT

6. On the occasion of the comprehensive review of the conditions of service and compensation of the members of ICJ undertaken in 1993, the question of retirement pensions of the members was considered in section VII of the Secretary-General's report (A/C.5/48/66). The report elaborated the Court's view that the pension regime in force since 1 January 1991 is unsatisfactory because, first, the current pension arrangement - $50,000 for one term of service and $75,000 for two terms - is not correlated to salaries, as are judicial and other pensions; secondly, the Court's scheme provides pensions significantly lower than those of comparator countries in which pensions are correlated with salaries (various examples were quoted pertaining to the United States of America, Canada, the Court of the European Communities, Australia and Brazil); and thirdly, the pensions of the members of the Court are paid in United States dollars irrespective of the country of retirement, with no protection against weakening of the dollar or cost-of-living fluctuations in the country of retirement/residence.

7. The report also reiterated the Court's view that the pensions of its members should be treated as sui generis, as judicial pensions were generally treated. They should be determined neither by the pension arrangements of the United Nations common system nor be a precedent for them. It was specified that, in many countries, judicial pensions were more generous than civil service pensions at large, in view of the exceptional qualifications for, and demands and inhibitions of judicial service (for example, no civil servant in the United States, even after 40 years of service, receives a pension approaching that of a federal judge after 15 years of service). The point was made whereby the pensions of retired members of the Court should take account of the high office a member of the Court has held; the age at which most members are elected; restrictions on gainful employment after retirement for reasons of propriety and age; the loss of accrual of national pension rights during the period of service of a Judge of the Court; and the standards of judicial pensions that obtain in

leading comparator countries. Further, the difference between the salary of a serving Judge and the pension (or disability allowance) of a retired Judge should not be so great as to unduly induce Judges to seek re-election or to endeavour to refrain from retirement despite disablement.

8. The conclusion reached by the Court was that the pre-1991 regime under which pensions were based on a percentage of salary should be restored. Accordingly, the Court recommended that Judges who have served a full term should receive 50 per cent of their salary and Judges who have served two full terms should receive two thirds of their salary.

9. As indicated in paragraph 1 above, the General Assembly, by its resolution 48/252, invited the Secretary-General to undertake a study of the pension scheme for the members of the Court and to report thereon to the Assembly at its forty-ninth session.

10. In response to the General Assembly's request to undertake such a study, the Secretary-General would, at the outset, recall that, in his report submitted to the Assembly at its forty-eighth session (A/C.5/48/66), information had been provided on the pension schemes in a number of national and international judiciaries.

11. On the occasion of this review, the Secretary-General deems it useful to provide a summary of pension arrangements for a variety of national judiciaries as well as the Court of the European Communities. The following information has been obtained by the Court with the assistance of a number of Missions to the United Nations:

1. United States Supreme Court

In the United States of America, federal judges at all levels receive 100 per cent of their salary on retirement, provided that they are 65 years of age on retirement and have served 15 years or are 70 years of age on retirement and have served 10 years. Surviving spouses receive a maximum pension benefit of 50 per cent; however, if a judge leaves children under the age of 22, the spouse's pension is increased by 10 per cent for one child and by 20 per cent for two or more children; the maximum pension of the spouse in that event would for a time be 70 per cent. The exact percentage of pension payable to survivors varies with the length of service of the judge; moreover, serving judges pay 5 per cent of their salary into a fund for spouses' pensions, whereas they make no contributions to their own pensions. A widow may remarry after the age of 55 without loss of pension.

2. Supreme Court of Canada

In Canada, a judge who has reached the age of retirement receives a retirement pension equal to two thirds of final salary if either
(a) retirement is at age 70 with a minimum of 10 years' service, or
(b) retirement is at age 65 with a minimum of 15 years' service. There is

mandatory retirement at age 75. The pension scheme is contributory with contributions prior to 17 February 1976 at a rate of 1.5 per cent of salary and contributions after that date at a rate of 7 per cent of salary.

3. United Kingdom of Great Britain and Northern Ireland

In the United Kingdom, a judge is entitled to receive a retirement pension equal to half of final salary after a minimum of 15 years' service.

4. Australia

In Australia, judges of the highest courts are entitled to a pension after the age of 60, equivalent to two thirds of the current salary, provided they have 10 years of service.

5. Japan

On retirement at age 70, a pension is calculated at between 60 per cent and 70 per cent of the salary level of the last month of service, the amount varying with length of Government service; in addition, a lump sum is payable on retirement. In 1992, for 10 years of service, the retiring Chief Justice would have received a lump sum of 130,020,000 yen (US$ 1,182,000); an Associate Judge, 94,860,000 yen (US$ 850,000).

6. Germany

In Germany, the pension is calculated on the basis of the judge's final remuneration. The level of the pension is determined by the period of pensionable service, every year of which entitles the judge to 1.875 per cent of pensionable remuneration up to a maximum of 75 per cent. A judge is entitled to a pension on retirement on expiry of the term of office (i.e., after 12 years or on completion of the 68th year of life or on being retired on account of permanent incapacity for service or on voluntary retirement after six years on the bench and completion of the 65th year of life; the five-year minimum period of service required by the Civil Service Act will as a rule have been attained by judges of the Federal Constitutional Court, if only on account of the inclusion of previous periods of service). As per the pension system for all civil service in Germany, the pension system for the judges is non-contributory.

In accordance with section 20 of the Civil Service Act, a widowed spouse will as a rule receive 60 per cent of the pension of the deceased, provided that the marriage had lasted at least three months and was entered into before the retirement of the deceased.

7. Court of the European Communities

In the Court of the European Communities, a retired judge receives an amount which equals 4.5 per cent of final basic salary for each full year in office and one twelfth of that amount for each complete month of service. After a judge serves one term (of six years), the pension benefit equals 27 per cent of final base salary. After a judge serves two terms (12 years), the pension benefit is equal to 54 per cent of final base salary with a maximum pension equal to 70 per cent of final base salary. The retirement age is 65.

A surviving spouse is entitled to receive a survivor's pension which is equal to 60 per cent of the pension accruing to the former member of the Court. Upon remarriage, a surviving spouse is entitled to payment of a lump sum equal to twice the annual amount of her/his survivor's pension.

8. Brazil

In Brazil, the pension of a judge on retirement, which is compulsory at age 70, corresponds to the full salary in activity. A surviving spouse is entitled to receive half the amount.

9. Netherlands

In the Netherlands, the retirement age for a judge is 70. The pension is calculated based on the average of the judge's last two years' remuneration. The level of the pension is determined by the period of pensionable service, every year of which entitles the judge to 1.75 per cent of pensionable remuneration up to a maximum of 70 per cent, which is based on 40 years of service. The pension scheme is contributory at a rate of 8.65 per cent of salary.

The pension for surviving spouses amounts to five sevenths of the old age retirement pension which would have been achieved if the deceased had continued working.

12. Based on the above information, the Secretary-General would conclude that the pension benefits in many national and international judiciaries are established by direct reference to annual salaries in that profession rather than by general reference to civil service emoluments.

13. On the occasion of the 1993 review of the question of pensions for the members of ICJ, mention was made that the members of the Court do not enjoy the lump-sum option which is in force for members of the United Nations Joint Staff Pension Fund (UNJSPF), nor do retired judges have the protection against inflation or currency fluctuation generally available in pension fund arrangements.

14. With regard to surviving spouses, the members of the Court made the observation that, in some national judiciaries and in so far as the executive

heads of the organizations of the United Nations common system may be concerned, surviving spouses receive a pension equal to 60 per cent of the spouse's pension. The Court expressed its view that the same provision should be extended to surviving spouses of its members. The Secretary-General concurred with this view.

15. The members of the Court had also noted that, in the United Nations pension system, in the case that a surviving spouse remarries, that spouse is paid a lump sum equal to twice the amount of the spouse's current annual benefit, as a final settlement. The Court requested that this provision be extended to its members. The Secretary-General also indicated that he had no objection to this request.

16. In its review of the Secretary-General's proposals concerning the question of pensions for the members of ICJ, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) recalled, in its report (A/48/7/Add.6), the fact that in its last review of the conditions of service of the judges, which took place in December 1990, it had recommended a significant increase in the annual salary of the members of the Court (from $101,750 to $145,000). In order to avoid a disproportionate increase in pension, the Committee recommended that the pensions of the Judges should no longer be expressed as a percentage of salary and should rather be set at $50,000 a year (a 22 per cent increase over the previous amount of $41,000). Consequently, ACABQ believed that, at that point in time, it was not necessary to recommend a change in the pension entitlements of the members of the Court.

IV. RECOMMENDATIONS

17. Based on his review, the Secretary-General would make the following recommendations vis-à-vis the pension benefit for the members of the Court:

(a) The annual retirement pension upon completion of one term should be based on 50 per cent of the annual salary. The current annual salary of $145,000 would yield an annual pension of $72,500. There would continue to be a proportional reduction for a Judge who did not complete a full term. For a member of the Court who is re-elected, the pension entitlement would increase by one three-hundredths of the pension payable to a one-term Judge (50 per cent of the annual salary) for each further month of service, up to a maximum pension of two thirds of the annual salary ($96,600). Judges who have already retired would, as in the past, receive a proportional increase in their pensions;

(b) The surviving spouse's benefit should be established at 60 per cent of the deceased spouse's retirement pension;

(c) A lump-sum benefit equal to twice the amount of the spouse's current annual benefit should be established, as a final settlement, for a spouse who remarries.

18. However, in order to avoid a disproportionate increase in pension, the Secretary-General would propose that the recommendation to base the retirement pension at 50 per cent of the annual salary be implemented in two stages; half

to come into force as of 1 January 1995 and half as of 1 January 1997. Therefore, he would recommend that, with effect from 1 January 1995, the pension benefit be increased from $50,000 to $61,250 and that, effective 1 January 1997, the retirement pension be set at 50 per cent of the annual salary.

Table 1. Percentage increase in level of pension benefits

Amount of annual pension (United States dollars)		
From	To	Percentage increase
50 000	61 250	22.5
50 000	72 500	45.0
61 250	72 500	18.4

19. Should the proposals presented above with regard to pensions be accepted, the Secretary-General would propose also that the Pension Scheme Regulations for members of the International Court of Justice be amended as indicated in annexes II and III to the present report.

V. FINANCIAL IMPLICATIONS

20. In summary, should the General Assembly approve the proposals contained in paragraphs 17 and 18 above, the financial implications of the changes proposed in the compensation and conditions of service of the members of the Court are estimated at $427,100 for the biennium 1994-1995, as follows:

Table 2. Financial implications, 1994-1995

	United States dollars
Pensions - paragraph 18	91 300
Compensation for survivors - paragraph 18	138 000
Compensation for survivors - paragraph 17 (b)	197 800
Compensation for survivors - paragraph 17 (c)	a/
TOTAL	427 100

a/ No financial implication of this proposal is estimated at this time.

21. As indicated above, should the proposals of the Secretary-General be approved, the additional requirements for implementation would be $427,100.

22. Under the procedure approved by the General Assembly in paragraph 11 of annex I to General Assembly resolution 41/213 of 19 December 1986, requirements relating to inflation should be treated outside the procedures related to the contingency fund. The Secretary-General is of the view that the estimated requirements of $427,100 arise from inflationary factors and should therefore be treated in accordance with established procedures and under the relevant provisions of the Financial Regulations and Rules of the United Nations.

VI. NEXT COMPREHENSIVE REVIEW

23. In accordance with the decision taken at the forty-eighth session of the General Assembly 1/ in respect of the emoluments and other conditions of service of the members of the Court, the next comprehensive review of the conditions of service and compensation by the Assembly will be undertaken at its fiftieth session in 1995.

Notes

1/ See paragraph 6 of resolution 48/252 A.

ANNEX I

Pension Scheme Regulations for Members of the International Court of Justice

Article I. Retirement Pension

1. A Member of the International Court of Justice who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his/her life, subject to paragraph 4 below, to a retirement pension, payable monthly provided that he/she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his/her appointment under Article 18 of the Statute of the Court for reasons other than the state of his/her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the Member has served a full term of nine years, the amount of the annual pension shall be $50,000;

(b) If he/she has served for more than nine years, the amount of the pension shall be increased by $250 for each month of service in excess of nine years, provided that the maximum retirement pension shall not exceed $75,000;

(c) If he/she has served for less than a full term of nine years, the amount of the pension shall be that proportion of the annual pension which the number of months of his/her actual service bears to 108.

3. A Member who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he/she reached that age may elect to receive a pension from any date after the date on which he/she ceases to hold office. Should he/she so elect, the amount of such pension shall be that amount which has the same actuarial value as the retirement pension which would have been paid to him/her at the age of 60.

4. No retirement pension shall be payable to a former Member who has been re-elected to office until he/she again ceases to hold office. At that time, the amount of his/her pension shall be calculated in accordance with paragraph 2 above on the basis of his/her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him/her before he/she reached the age of 60.

Article II. Disability Pension

1. A Member found by the Court to be unable to perform his/her duties because of permanent ill-health or disability shall be entitled upon leaving office to a disability pension payable monthly.

2. The amount of the disability pension shall be equal to the amount of the retirement pension which would have been payable to the Member of the Court concerned had he/she, at the time of leaving office, completed the term for which he/she had been elected, provided that it shall not be less than one half of the annual pension.

Article III. Surviving Spouse's Pension

1. Upon the death of a married Member, his/her surviving spouse shall be entitled to a surviving spouse's pension amounting to one half of the pension which he/she would have received had he/she become entitled to a disability pension at the time of his/her death, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

2. Upon the death of a married former Member who was in receipt of a disability pension, his/her surviving spouse, provided he/she was his/her spouse at the date his/her service ended, shall be entitled to a surviving spouse's pension amounting to one half of the pension which his/her spouse was receiving, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

3. Upon the death of a married former Member who was entitled to a retirement pension, his/her surviving spouse, provided he/she was his/her spouse at the date his/her service ended, shall be entitled to a surviving spouse's pension calculated as follows:

(a) If the former Member had not begun, at the date of his/her death, to receive his/her retirement pension, the surviving spouse's pension shall amount to one half of the pension which would have been payable to him/her under Article I, paragraph 3, had he/she commenced to receive such pension on the date of his/her death, provided that the surviving spouse's pension shall not be less than one sixth of the annual pension;

(b) If the former Member had begun to receive his/her retirement pension, under Article I, paragraph 3, before he/she reached the age of 60, the surviving spouse's pension shall amount to one half of the amount of such pension, but shall not be less than one sixth of the annual pension;

(c) If the former Member had reached the age of 60 when he/she began to receive his/her retirement pension, the surviving spouse's pension shall amount to one half of his/her retirement pension, but shall not be less than one third of the annual pension.

4. A surviving spouse's pension shall cease on his/her remarriage.

Article IV. Child's Benefit

1. Each child or legally adopted child of a Member or former Member who dies shall be entitled, while unmarried and under the age of 21, to a benefit calculated as follows:

(a) Where there is a surviving spouse entitled to a pension under Article III, the annual amount of the child's benefit shall be:

(i) Ten per cent of the retirement pension which the former Member was receiving; or

(ii) If the former Member had not begun, at the date of his/her death, to receive his/her retirement pension, 10 per cent of the pension which would have been payable to him/her under Article I, paragraph 3, had he/she commenced to receive such pension at the date of his/her death; or

(iii) In the case of the death of a Member in office, 10 per cent of the pension which he/she would have received had he/she qualified for a disability pension at the date of his/her death;

provided, in all cases, that the amount of the child's benefit shall not exceed one eighteenth of the annual pension;

(b) Where there is no surviving spouse entitled to a pension under Article III, or where the surviving spouse dies, the total amount of the children's benefits payable under subparagraph (a) above shall be increased by the following amount:

(i) If there is only one eligible child, by one half of the amount of the pension which was being paid or would have been paid to the surviving spouse;

(ii) If there are two or more eligible children, by the amount of the pension which was being paid or would have been paid to the surviving spouse;

(c) The total children's benefits payable under subparagraph (b) above shall be divided equally among all the eligible children to determine the amount of any one child's benefit; as and when a child ceases to be eligible, the total benefit payable to the remainder shall be recalculated in accordance with subparagraph (b).

2. The total amount of children's benefit, when added to the amount of any surviving spouse's benefit in payment, shall not exceed the pension which the former Member or Member received or would have received.

3. The age-limit mentioned in paragraph 1 above shall be waived if the child is incapacitated by illness or injury, and the benefit shall continue to be paid for as long as the child remains incapacitated.

Article V. Definitions

1. "Member" means either the President, the Vice-President or a Member of the Court in office.

2. "Annual salary" means the annual salary, exclusive of any allowances, fixed by the General Assembly and received by the Member at the time he/she ceased to hold office.

Article VI. Miscellaneous Provisions

1. Pensions provided for by the present Regulations shall be calculated in terms of the currency in which the salary of the Member concerned has been fixed by the General Assembly.

2. All pensions provided for by these Regulations shall be regarded as expenses of the Court, within the meaning of Article 33 of the Statute of the Court.

3. The President of the Court and the Secretary-General shall determine conditions for the application of Article IV, paragraph 3, and, on the advice of a qualified actuary or actuaries, establish a table of actuarial reduction factors.

Article VII. Application and Effective Date

1. The present Regulations shall be applicable as from 1 January 1991 to all who are Members of the Court on or after that date, to their eligible beneficiaries and to recipients of pensions or benefits under Article III or IV of the Regulations adopted on 19 December 1967 as subsequently amended by General Assembly resolution 38/239 of 20 December 1983.

2. Pensions in payment shall be automatically revised by the same percentage and at the same date as pension entitlements.

3. Former Members of the Court who left office prior to 1 January 1968, or their eligible beneficiaries, shall continue to have their entitlements governed by the Regulations approved in General Assembly resolution 1562 (XV) or 1925 (XVIII), except that in their case the revised provisions of Article III approved in General Assembly resolution 2367 (XXII) and the consequential changes in Article IV shall continue to be applicable to all relevant entitlements regardless of the date on which the said entitlements first became payable.

ANNEX II

Proposed amendments to the Pension Scheme Regulations for Members of the International Court of Justice with effect as from 1 January 1995

Article I. Retirement Pension

In paragraph 2 (a), replace "$50,000" by "$61,250".

In paragraph 2 (b), replace "$75,000" by "$85,850".

Article III. Surviving Spouse's Pension

In paragraphs 1, 2, and 3 (a) and (b), replace "one half" by "60 per cent".

In paragraph 4, replace "A surviving spouse's pension shall cease on his/her remarriage" by "A lump sum in the amount of twice the annual rate of the benefit shall be payable to a surviving spouse upon remarriage, at which time the surviving spouse's pension shall cease".

Article VII. Application and Effective Date

In paragraph 1, replace "1 January 1991" by "1 January 1995".

ANNEX III

Proposed amendments to the Pension Scheme Regulations for Members of the International Court of Justice with effect as from 1 January 1997

Article I. Retirement Pension

In paragraph 2 (a), replace "$61,250" by "50 per cent of the annual salary". a/

In paragraph 2 (b), replace "$85,850" by "two thirds of his/her annual salary". b/

Article VII. Application and Effective Date

In paragraph 1, replace "1 January 1995" by "1 January 1997".

Notes

a/ I.e., $72,500.

b/ I.e., $96,600.

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NATIONS

A

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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Construction of additional conference facilities at Addis Ababa and Bangkok

Report of the Secretary-General

I. INTRODUCTION

1. In sections III and XI of its resolution 39/236 of 18 December 1984, the General Assembly approved the construction of additional conference facilities at the Economic Commission for Africa (ECA) at Addis Ababa and a construction project for the expansion of conference facilities at the Economic and Social Commission for Asia and the Pacific (ESCAP) at Bangkok.

2. In accordance with that resolution annual progress reports have been submitted on both construction projects. The present report reviews the progress on the projects at Addis Ababa and Bangkok since the previous report was submitted to the General Assembly at its forty-eighth session (A/C.5/48/30).

II. EXPANSION OF CONFERENCE FACILITIES AT THE HEADQUARTERS OF THE ECONOMIC COMMISSION FOR AFRICA AT ADDIS ABABA

A. Status and development of the project

3. The construction project as originally approved by the General Assembly in 1984 was estimated to cost $73,501,000 or 102,085,000 European currency units (ECUs) at the November 1984 exchange rate. However, following the delays detailed in previous reports of the Secretary-General to the General Assembly, international tendering during 1990 resulted in an estimated total cost of $107,576,900 or ECU 78,523,400 for the project. While strict cost control by the Secretariat in cooperation with the architect/engineer and the quantity surveyor had achieved a cost reduction of some ECU 23 million, these economies

were more than offset by the 47 per cent decline in value of the United States dollar relative to European currencies as reflected in the ECU over the period November 1984 to November 1990.

4. The general status and development of the project and relevant aspects of the situation in Ethiopia through September 1993 were outlined in paragraphs 5 to 10 of the Secretary-General's report to the General Assembly at its forty-sixth session (A/C.5/46/22), in paragraph 6 of the report submitted at the forty-seventh session (A/C.5/47/11), and in paragraph 6 of the report submitted at the forty-eighth session (A/C.5/48/30). The principal developments since that time are as follows:

(a) The situation whereby only one shipping line has been accepting direct commercial shipments from Italy to Assab has continued to prevail. Arrangements by the contractor for advance bookings for the shipment of materials remain ineffectual. Although the contractor has accelerated procurement and has established large buffer stocks of various items in Addis Ababa to minimize construction delays owing to unavailability of materials, air shipment continues to be necessary in certain cases. Transshipment from nearby ports, as an alternative to unreliable direct shipment from Europe, has not improved the delivery of materials;

(b) The situation with regard to commercial transport from Assab to Addis Ababa continues to be stable. In the past year there have been occasions where transport for supply of local materials (sand, gravel, cement) from outside the city has been restricted, but this has not significantly affected the progress of the work.

B. Progress of construction

5. A large amount of work has been accomplished since the submission of the previous report. The pace of work has improved to some extent from the levels reached in 1993, however, despite repeated assurances by the contractor in the past year that much larger increases in production would occur shortly, the contractor has consistently failed to achieve the higher production rates anticipated by his revised timetable.

6. In the past year the exterior of the structure has been largely completed and most of the remaining work involves installation of the interior finishes, electrical services and specialized equipment. The space frames covering the two main conference rooms and the large central area have been erected and covered with roof decking. Further, the space frame over the delegates' entrance was erected in August. Problems reported in the previous report regarding the roofing membrane covering the space frames have been resolved satisfactorily and a different material installed. Installation of windows and roofing has been completed and the building is sufficiently weather-tight to permit installation of interior finishes and services. Installation of mechanical equipment is nearing completion and elevator work has commenced. Additional foremen and senior workers will arrive at the site in October to increase production in electrical installation and other trades which have been

lagging. A large amount of work in finishes and specialized systems is scheduled for the next three months.

7. Structural work on the external works is approximately 80 per cent complete. The principal work remaining involves boundary walls, retaining walls and the connection of the link bridges to the existing Extension Office Building. The north car park and water reservoir have been completed, the south car park is approximately 90 per cent complete and structural work for the boiler room, transformer vaults and the emergency generator room has been completed. Rough grading for roadways has begun in some areas and discussions are in progress with local authorities regarding the widening and reconstruction of the easterly street which will provide the main access to the new conference centre. The contract for installation of the new telephone system and local area network cabling has been awarded and work will commence in October.

C. Project timetable

8. The contractor is legally responsible for the scheduling, organization, and direction of the construction. It is important that the owner and the consultants avoid taking over any of these functions from the contractor or interfering with the contractor's operations. Within this context, the United Nations and the consultants have made extensive efforts to encourage and facilitate better coordination and planning by the contractor. Further, the contractor has continually been reminded of the contractual penalties for late completion. To minimize delays caused by rejected or remedial work, the contractor has been repeatedly admonished to improve supervision at the foreman and subforemen levels. To this end, the consultant's site staff has been increased substantially to provide full technical assistance, support and advice to the contractor. Furthermore, the consultants have provided extraordinary assistance to the contractor's activities relating to coordination of the work of the various subcontractors and suppliers of specialized equipment. While the consultants' efforts have a great effect on the quality of the work and help eliminate or mitigate specific potential causes of delay, the consultants nevertheless have little control over the quantity of work performed by the contractor, nor can they compel the contractor to increase his overall rate of production.

9. The contractor's latest timetable projects substantial completion of construction in the second quarter of 1995, with commissioning completed during the third quarter. However, the consultants and the Administration consider this projection achievable only with extraordinary improvement in the contractor's performance and note that it is dependent upon flawless coordination of the work of all trades and subcontractors. Monthly production continues to fall well below the levels predicted by the contractor. On the basis of experience, completion is considered likely to be delayed two to four months beyond the date projected by the contractor.

10. The contractor's workforce is now approximately 1,500 workers. Double shift work has been attempted sporadically but thus far has had little effect on production levels. Double shift work is expected to commence shortly in several mechanical and finishing trades.

D. Financial aspects

11. As of 31 July 1994, disbursements amounted to $59,408,537. Despite various measures to compensate for difficulties, the contractor has not been able to increase his activities during the past year to meet planned disbursement levels. Owing to various shipping, organizational and coordination problems of the contractor and subcontractors, monthly production remains less than two thirds of scheduled rates. None the less, the contractor confidently projects major increases in production in the fourth quarter of 1994 and during 1995.

12. It will be recalled that the construction contract provides for an extension equal to any force majeure period, plus whatever additional period is required for normal operations to resume under the specific circumstances. The particulars of the contractor's claims for compensation for force majeure and other changed conditions were outlined in paragraph 10 of the Secretary-General's report to the General Assembly at its forty-seventh session (A/C.5/47/11) and paragraphs 2 and 3 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/47/7/Add.2). Discussions with the contractor on the question of the extension of the construction period resulting from the force majeure situation as well as on the extent of compensation allowed under the terms of the construction contract for expenses of permanent staff and equipment idled during the force majeure period have been satisfactorily concluded. The resolution of the claims for additional costs owing to changed conditions has been incorporated in an amendment to the construction contract. The settlement of the claims has been fully absorbed within the provisions of the estimates presented in 1990 and has not resulted in any increase in the estimated total project cost of $107,576,900.

13. An appropriation of $17,241,900, the balance of authorized total project cost, was provided under section 30 of the programme budget for the biennium 1994-1995. No appropriation for the construction project in Addis Ababa is scheduled for the biennium 1996-1997.

III. EXPANSION OF THE CONFERENCE FACILITIES OF THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC AT BANGKOK

A. Completion of the project

14. The project at Bangkok was resumed in 1988 pursuant to the terms of General Assembly resolution 42/211 on the basis of the scope of facilities originally approved and as reflected in the previously completed plans and specifications. Construction of the new conference centre began in May 1989 and was completed in the first quarter of 1993, followed by an inauguration ceremony on 9 April 1993. The maintenance guarantee period ended on 21 March 1994.

15. The new United Nations conference centre at Bangkok is considered to be one of the premier facilities in the region and has already been designated as the venue for a number of major conferences, exhibitions and smaller meetings. Utilization of the conference centre has exceeded the most optimistic expectations, and includes numerous secretariat meetings and seminars, as well as the working groups and monthly meetings of the Advisory Committee of

Permanent Representatives to ESCAP. In addition to those conferences detailed in paragraph 13 of the report of the Secretary-General to the General Assembly at its forty-eighth session (A/C.5/48/30), the following is a selection of further major meetings held in the first eight months of 1994:

January - Meeting on Implementation Strategy for the Bali Declaration on Population

- Seminar on Strategic Planning for the Bangkok Metropolitan Region

- Regional Preparatory Meeting for the Ninth United Nations Congress on Prevention of Crime and the Treatment of Offenders

February - Consultative Meeting among Executive Heads of Subregional Organizations

- Eightieth session, Consultative Committee on Administrative Questions

- Thirty-ninth session, International Civil Service Commission

March - Preparatory Meeting for the Ministerial Conference on Space Applications

- Regional Meeting on the Convention on Desertification

- Second session, Special Body on Pacific Island Developing Countries

April - United Nations Industrial Development Organization/ESCAP Workshop on Women in Manufacturing

- ESCAP/Thailand Development Research Institute (TDRI) Conference on the Association of South-East Asian Nations (ASEAN) Free Trade Area and Beyond

May - 1994 World Seminar on Global System for Mobile Communications

- ESCAP/World Bank Seminar on East/South East Asian Growth

June - Meeting on Resettlement and Repatriation of Indochinese Refugees

- Inter-Agency Task Force on Water for Asia and the Pacific

- Expert Group Meeting on the Promotion of Non-Handicapping Environments for Disabled and Elderly Persons

- United Nations Development Programme/Department of Humanitarian Affairs Disaster Management Training Programme

July - Meeting on Development in International River Basins in Asia

- Regional Preparatory Meeting for the World Summit for Social Development

- Seminar on Strategic Planning for the Bangkok Metropolitan Region

August - Meeting on the Asian Highway Project

- First International Congress on Science and Technology for Indochina

B. Financial aspects

16. As reported to the General Assembly at its forty-sixth session, the revised project cost of the construction project at Bangkok was estimated at $48,540,000, namely $4,362,300 (9.87 per cent) over the amount of $44,177,700 approved in principle by the General Assembly in its resolution 39/236. With the approval of the Assembly, this additional requirement was covered by interest earned on construction appropriations during and after the period of suspension, and no additional appropriation was required under the regular budget beyond the amount of $44,177,700 originally approved. In contrast, the current replacement cost of the building is estimated at some $70 million.

17. As of 31 July 1994, disbursements amounted to $45,773,848, including payments related to the installation of the new telephone system and local area network cabling and other work outside the main construction contract. The final account of the construction contract, including all remeasurements and variation orders, has been prepared by the quantity surveyor. Following agreement of the final account with the contractor, release of remaining retention money, and final payments to the contractor, consultants and suppliers will be made. A final report on the construction of additional conference facilities at ESCAP at Bangkok will be submitted to the General Assembly at its fiftieth session.

IV. CONCLUSION

18. In conclusion it may be noted that in spite of a two year suspension of the construction projects, a serious force majeure situation in Ethiopia, changed requirements for communications, local area network cabling, handicapped access and security over the past decade, the Administration has been able to achieve the completion of the project at Bangkok at no increase in the appropriation schedule approved in 1984. Furthermore, the Administration anticipates that the project in Addis Ababa will be completed at a substantially lower cost when measured in ECU than was estimated in 1984.

19. In accordance with General Assembly resolution 39/236, progress reports on the project in Addis Ababa will be submitted to the Assembly annually until construction is completed.

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A

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UNITED NATIONS COMMON SYSTEM

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith, for consideration by the General Assembly, a statement adopted by the Administrative Committee on Coordination (ACC) at its second regular session of 1994.

ANNEX

Statement by the Administrative Committee on Coordination

The Administrative Committee on Coordination (ACC) decided to adopt the following statement for submission to the General Assembly:

"The Administrative Committee on Coordination appreciated and welcomed the General Assembly's decision, in its resolution 47/216 of 23 December 1992, to request the International Civil Service Commission (ICSC) to 'study all aspects of the application of the Noblemaire principle with a view to ensuring the competitiveness of the United Nations common system', and to report thereon to the General Assembly at its forty-ninth session.

"ACC regrets that the response of ICSC to this request has been confined to a number of technical adjustments of a minor nature, and considers that this limited and fragmented approach does not respond to the letter and spirit of the General Assembly's request to 'study all aspects' of the application of the Noblemaire principle.

"A reappraisal of the 1921 principle, on which common system remuneration is based, is long overdue. Already in 1989, ACC had concluded and informed ICSC that the present remuneration system is unresponsive and outdated and must be overhauled to become competitive with bilateral and other multilateral financial and aid agencies. This message was reinforced in 1992, when ACC reported to the Fifth Committee that 'the conditions [of service] of the Professional and higher categories of staff are not competitive'. a/

"In 1993, ACC reiterated its concern at the continued lack of competitiveness of the conditions of service of the Professional and higher categories of staff, while new demands involving increasingly diverse and complex programmes were being placed on the United Nations system.

"Most recently, in March 1994, ACC again urged ICSC, in compliance with resolution 47/216, to make proposals this year to the General Assembly to improve the competitiveness of the United Nations common system conditions of service by including, in the application of the Noblemaire principle, the remuneration applicable to other international organizations which compete with organizations of the common system for staff. In June of this year, the Secretary-General's representative, addressing ICSC at its fortieth session, reiterated the problems being faced by the Secretary-General and his colleagues in ACC in attracting the best staff, while doubts persist that the common system remains competitive.

"ACC's basic concern, as repeatedly conveyed to both ICSC and the General Assembly, is thus to achieve a significant updating of the application of the Noblemaire principle which would reflect, inter alia, the internationalization of the labour market. The remuneration levels offered by other international employers, such as the World Bank and the

Coordinated Organizations, are known to be more competitive than those of the common system. In some of these organizations, remuneration may be more than 40 per cent higher for equivalent duties and responsibilities.

"Through the Consultative Committee on Administrative Questions (CCAQ), ICSC has been provided with a comparative analysis of the structures and programmes of work of three groups of international organizations and those of the United Nations common system and with a historical analysis of the compensation policies of the United Nations.

"These studies, inter alia, led to the following conclusions:

(a) The consistent thread of pay policy is the need to attract and retain staff of a high level of competence;

(b) There is nothing to prevent a redetermination of the manner in which the Noblemaire principle is currently applied in the framework of the United Nations common system of salaries, allowances and other conditions of service;

(c) There are significant similarities between the activities of the three international civil services (such as the World Bank, the Coordinated Organizations and the European Union) and those of the United Nations; they also compete for staff.

"The Commission's inaction in responding to the requests of the General Assembly and of executive heads of the common system cannot be justified by lack of information or technical support from organizations, which has been thorough and extensive. Such inaction further undermines the credibility of the current system to set conditions of employment, and may risk leading to unilateral attempts to remedy the deficiencies of the current application of the Noblemaire principle, to the detriment of the overall coherence of the system.

"ACC strongly urges the General Assembly to request ICSC to finalize the studies mandated by resolution 47/216 and to present them to ACC for its consideration at its next session in February 1995. Continuing delays will affect the efficiency and quality of the programmes which the common system is called upon to deliver to Member States. All parties to the Commission process must reach broad agreement on the bold and positive initiatives which are necessary for the effective functioning of the organizations of the United Nations common system."

Notes

a/ A/C.5/47/25, annex.

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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Conditions of service and allowances of the members of the International Tribunal

Note of the Secretary-General

1. The Security Council, by its resolution 827 (1993) of 25 May 1993, decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and adopted its statute. 1/ Article 13, paragraph 4, of the statute provides that the judges of the Tribunal shall be elected for a term of four years and that the terms and conditions of services shall be those of the judges of the International Court of Justice.

2. The Advisory Committee on Administrative and Budgetary Questions, in its report dated 22 July 1993 (A/47/980), requested the Secretary-General to submit a report to the General Assembly at its forty-eighth session on the requirements of the Tribunal. The report, among other things, was to provide detailed justification of the conditions of service and allowances of the judges of the Tribunal.

3. The Secretary-General recommended to the General Assembly that, in view of the provisions of article 13, paragraph 4, of the statute of the Tribunal, the conditions of service of the judges of the Tribunal shall be those of the judges of the International Court of Justice (see A/C.5/48/36). However, the Secretary-General noted that the term of office of the judges of the Tribunal was four years in duration versus the nine-year term served by the members of the Court. Accordingly, the Secretary-General recommended that the pension and survivors' benefit entitlements applicable to the members of the Court be adjusted to reflect the shorter term of appointments of the members of the Tribunal. Otherwise, the same emoluments in terms of salaries and travel

benefits as approved for the members of the Court would be applicable to the judges of the Tribunal.

4. To sum up, the conditions of service and allowances proposed in document A/C.5/48/36 were as follows:

(a) An annual salary of $145,000, as approved for the members of the International Court of Justice by the General Assembly in its resolution 45/250 of 21 December 1990;

(b) First class travel and subsistence benefits as established by the General Assembly in its resolution 37/240 of 21 December 1982;

(c) A pension entitlement of a member of the Tribunal who serves a full four-year term of $20,000: the pension of a member who is re-elected should be increased by an additional $150 per month for each further month of service, up to a maximum of $30,000 a year;

(d) In the event of a death of a member of the Tribunal, survivors would be compensated in the form of a lump-sum payment equal to one month's base salary for each year of service, subject to a minimum of one month and a maximum of four months;

(e) With regard to relocation allowance upon completion of service, a member of the Tribunal who maintains a bona fide residence at The Hague for at least three continuous years during service with the Tribunal should receive a lump sum equal to 12 weeks' net salary on completion of appointment and resettlement outside the Netherlands. A member who completes four continuous years or more of eligibility shall receive the equivalent of 16 weeks of annual net base salary.

5. Having considered the report of the Secretary-General, the Advisory Committee on Administrative and Budgetary Questions noted that, had it had an opportunity to review the administrative and budgetary aspects of the statute of the International Tribunal before it was adopted, it would have made recommendations to the General Assembly on the conditions of service of the judges of the Tribunal taking into account, among other things, the exclusive mandate and duration of the Tribunal, its anticipated work programme and the terms of office of the judges of the Tribunal. The Committee expressed the view that questions relating to conditions of service, which are issues having administrative and budgetary implications, should be brought to the General Assembly for its action before final action is taken in any other forum. In that light, the Advisory Committee deferred action on the conditions of service of the Tribunal's judges pending further experience with regard to the precise nature of the requirements of the Tribunal and the work of the judges (A/48/915, paras. 4-9 and 12).

6. The General Assembly, in its resolution 48/251 of 14 April 1994, requested the Secretary-General to submit to the General Assembly, through the Advisory Committee, a further report on the conditions of service of the judges, in the light of the provisions of article 13, paragraph 4, of the statute of the International Tribunal, as the work of the Tribunal proceeds and the precise nature of its requirements clearly emerges.

7. The members of the Tribunal have proposed changes to the pension scheme and survivors' benefits as set out in the Secretary-General's report. Members of the International Court of Justice receive a lump-sum pension of $50,000 after nine years of service. In order to bring the pension scheme of the judges of the Tribunal in line with that of the International Court of Justice, the pension entitlement for the judges who have served a full four-year term should be $22,000 (approximately four ninths of $50,000). The pension of a member who has been re-elected should be increased up to a maximum of $44,400 for two full-term periods of service (instead of the $30,000 proposed by the Secretary-General).

8. However, in line with the proposals put forward by the International Court of Justice in 1993 (A/C.5/48/66, paras. 36-41) to the effect that the pre-1991 pension scheme should be restored to the lump-sum payment of 50 per cent of the final salary after a full term, members of the Tribunal propose that each judge should receive 22 per cent of his/her final salary after four years, increasing incrementally to a maximum of 44 per cent if a judge serves two four-year terms.

9. In addition, account should be taken of the position of those judges who, for reasons independent of their will, serve for less than a full term. It is suggested that judges should be entitled to receive the aforementioned pension if they serve a full term of four years or at least a minimum of three and a half years, provided that the lesser duration of service is due to the need to replace another judge or any similar cause independent of the judge's will or choice (such as serious medical impediment).

10. The members of the Tribunal are of the view that the proposed survivors' benefits for judges of the Tribunal are not fully in line with that of members of the International Court of Justice. In the event of a death of the latter, their survivor receives a lump-sum payment equal to one month's base salary for each year of service, with a minimum of three months and a maximum of nine months. In the case of the judges of the Tribunal, it was proposed by the Secretary-General that provision be made for a minimum of one month and a maximum of four months. The contrast between the minima is not justified. Members of the Tribunal are as likely to die in office as members of the International Court of Justice and survivors' needs will be no less. The duration of the term cannot logically affect the minimum figure. The minimum figure should be equivalent to two months' base salary, even if death occurs in the first year of service. The maximum will remain four months.

11. With regard to the adjustments to the pension scheme as proposed by the members of the Tribunal and set out in paragraph 8 above, the proposed pension amount of $22,000 for judges who have completed a full four-year term reflects four ninths of the pension of $50,000 established for the members of the International Court of Justice. This would be consistent with the literal provisions of article 13, paragraph 4, of the statute of the International Tribunal. The alternative regarding survivors' benefits should be considered only if similar provisions are approved by the General Assembly for the members of the Court. To enact such a provision for the judges of the Tribunal without similar consideration for the members of the Court would create a disparity inconsistent with the statute.

12. With regard to the proposed amendment of the Secretary-General's prior recommendation regarding the survivors' benefits, should the General Assembly accept the Tribunal's proposal set forth in paragraph 10 above, the Secretary-General would concur with such a modification. The original minimum figure of one month was established as a prorated period from that in effect for members of the International Court of Justice.

13. It should be further noted that, in its resolution 48/252 of 26 May 1994, the General Assembly acted on a number of recommendations of the Secretary- General regarding the conditions of service of members of the International Court of Justice (see A/C.5/48/66). The General Assembly decided that the members of the International Court of Justice who have taken up primary residence at The Hague (a) should be reimbursed, up to a ceiling of $9,750, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision should be made for one related return journey per year in respect of each child between the place of scholastic attendance, when outside the Netherlands, and The Hague; and (b) should be reimbursed, up to a ceiling of $13,000, for the actual cost of educating their disabled children in respect of each child each year up to the award of the first recognized degree and that provision should be made for one related return journey per year in respect of each child between the place of scholastic attendance, when outside the Netherlands, and The Hague.

14. Accordingly, consideration might be given to extending those additional educational benefits to members of the Tribunal. Subsequent changes in educational benefits and entitlements for the members of the Court should be applicable to the judges of the Tribunal.

15. The Secretary-General fully appreciates the concerns expressed by the Advisory Committee and the General Assembly with regard to the terms and conditions of service of the judges of the Tribunal. At the same time, the adoption by the Security Council of article 13, paragraph 4, of the statute of the International Tribunal leaves little flexibility: the conditions of service shall be those of the members of the International Court of Justice. As to additional experience obtained with regard to the precise nature of the requirements of the Tribunal and the work of the judges, given that the Tribunal has been functioning for a very limited time, the Secretary-General would hesitate to draw any conclusions in that respect at the present time. The Tribunal will become fully operational at the beginning of January 1995.

16. Other than the refinements proposed by the judges of the International Tribunal set out above, the Secretary-General is not in a position to offer any additional recommendations regarding the conditions of service for the judges of the Tribunal beyond those set out in his previous report (A/C.5/48/36). At the same time, the Secretary-General takes note of the intention of the Advisory Committee to revert to the matter at the forty-ninth session of the General Assembly in the light of experience gained and newly available information.

Notes

1/ S/25704 and Corr.1, annex.